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March 9, 2020

BY ECF

Hon. Richard M. Berman
United States District Judge for the
Southern District of New York
Daniel Patrick Moynihan United State Courthouse
500 Pearl St., Suite 1650
New York, New York 10007

MEMO ENDORSED

Re: *United States v. James Kelly*, 19 Cr. 426 (RMB)

Dear Judge Berman:

I am writing to request a conference in the above referenced matter in order to facilitate the competency examination of Mr. Kelly that Your Honor has ordered. I understand from Dr. Ashley Jenkins of the MCC medical staff that although Mr. Kelly initially said he would cooperate with her examination, he has since refused to do so. On the basis of Mr. Kelly's recent letter to the Court, which I forwarded to Dr. Jenkins, I have reason to believe that Mr. Kelly suspects that I forged Your Honor's signature on the Order directing his examination, which I mailed to him at the MCC because he was refusing to meet with me. If Your Honor held a conference at which Mr. Kelly was present, the Court could assure him of the authenticity of the Order, which might convince him to cooperate with the examination. I conferred with Assistant United States Attorney Clore, who has no objection to this request.

Conference is scheduled
for 3.16.2020 at 10:30 am.

Respectfully,

/s/ James R. DeVita

James R. DeVita

cc: Assistant United States Attorney Christopher Clore (by ECF)

SO ORDERED:

Date: 3/10/2020

Richard M. Berman
U.S.D.J.